

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GARY MINOR, et al.,

Plaintiffs,

NO. C09-1375 TEH

**FEDEX OFFICE AND PRINT
SERVICES, INC., et al.,**

Defendants.

**ORDER RE SUPPLEMENTAL
BRIEFING**

In *Radcliffe v. Experian Information Solutions, Inc.*, No. 11-56376, 2013 WL 1831760

(9th Cir. May 2, 2013), the Ninth Circuit held that the district court abused its discretion by approving a settlement that “explicitly conditions the incentive awards on the class representatives’ support for the settlement.” *Id.* at *5. The court reasoned that such a term, particularly when coupled with a “significant disparity between the incentive awards and the payments to the rest of the class members,” created an impermissible conflict of interest between the class representatives and their counsel and the absent class members. *Id.* at *5-*6.

IT IS HEREBY ORDERED THAT on or before **June 24, 2013**, class counsel shall submit a supplemental brief of no more than five pages, accompanied by affidavits or other supporting documentation, addressing *Radcliffe*'s implications for the Court's consideration of the fairness, reasonableness, and adequacy of the settlement in this case.

IT IS SO ORDERED.

Dated: 6/19/2013

Helen S. Johnson

**THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT**